

Service Animals in Public Schools

The Athens City Board of Education acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act, 28 CFR § 35.136, subject to the following:

Service Animals – A "service animal" means a dog, or in specific circumstances a miniature horse, that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability or necessary to mitigate a disability. Animals providing solely comfort or companionship do not constitute service animals.

School officials may ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person's disability and may not require documentary proof of certification or licensing of the animal as a service animal.

Requirements that must be Satisfied Before a Service Animal will be Allowed on School Property

1. *Request* – Any request for an individual with a disability to be accompanied by a service animal must be addressed in writing to the Superintendent of Schools and must contain documentation of vaccinations. This written request must be delivered to the Superintendent of Schools at least ten (10) business days prior to bringing the service animal to school or a school function. The request must be renewed each school year.
2. *Vaccinations* – The service animal must be immunized against diseases common to that type of animal. Owners of a service dog must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Coronavirus), Bordetella, and Rabies. Owners of service miniature horses must provide annual proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinoneumonitis, Influenza, and Strangles.
3. *Health* – The service animal must be in good health. The service animals must be kept clean and groomed to avoid shedding and dander. The service animal must be treated for, and kept free of, fleas and ticks. The service animal must be spayed or neutered.
4. *Control* – A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack, vest identifying the service animal as a trained service animal, leash (blaze orange in color for hearing service animals), or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness,

backpack, vest, leash, or other tether would interfere with the service animal's safety or effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (*e.g.*, voice control, signals, or other effective means).

Service Dogs in Training – Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three- unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

a. *Use of Harnesses, Vest, etc.* A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

1. A dog that is in training to become a hearing dog or a currently trained hearing dog that is undergoing continuing training must be on a blaze orange leash.
2. A dog that is in training to become a service dog or a currently trained service dog that is undergoing continuing training must be in a harness, backpack, or a vest identifying the dog as a trained service dog.
3. The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.
4. All requirements of this policy which apply to service animals, such as health certificates, annual written requests, and supervision, care and damages, also apply to dogs in training.

Miniature Horses – The school district will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school district must consider the following factors:

- a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- b. Whether the handler has sufficient control of the miniature horse;
- c. Whether the miniature horse is housebroken; and

d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

Extra Charges – The owner or handler of a service animal cannot be required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.

Supervision and Care of Service Animals – The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal. In the case of a young child or student with disabilities who is unable to care for or supervise the service animal, the parent is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the Superintendent or his or her designee.

Damages to School Property and Injuries – The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

Removal of Service Animals from School Property – A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:

- a. The animal is out of control and the animal's handler does not take effective action to control it;
- b. The animal is not housebroken;
- c. The presence of the animal poses a direct threat to the health or safety of others that cannot be eliminated by making reasonable modifications; or
- d. The presence of an animal would require a fundamental alteration to the service, program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

Denial of Access and Grievance – If a school official denies a request for access of a service animal or a dog in training, the disabled individual or parent or guardian can file a written grievance with the school's Section 504 Coordinator.

[Reference: ADA Regulations, 28 CFR Part 35 (as amended 2010)]

SOURCE: Athens City Board of Education, Athens, AL
Adopted: December 19, 2019